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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/683,571	10/09/2003	Joseph C. McAlexander	MDFH01-00004	7658

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EXAMINER

NGUYEN, DAVID Q

ART UNIT PAPER NUMBER

2617

DATE MAILED: 10/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/683,571		MCALEXANDER, JOSEPH C.	
	Examiner		Art Unit	
	David Q. Nguyen		2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 09/18/06 have been fully considered but they are not persuasive.


In response to applicant's Remarks, applicants argue: "Menard lack any mention of switching a "mode of operation" of a mobile device so that the mobile device transmits position information to another mobile device for relay to a central monitoring system".

Examiner disagrees. Menard discloses: " such a system may include programmable, or automatically selecting, electronic circuitry to decide whether to conduct communication between second device 300A and tag 100E using the short range module or the long range network module" (see par. 0106). It is apparent that Menard mentions of switching a "mode of operation" of a mobile device so that the mobile device transmits position information to another mobile device for relay to a central monitoring system.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 41 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.
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Art Unit: 2617

Regarding claim 41, the limitation “wherein switching the mode of operation of the first mobile device stops the first mobile device from relaying the second position information to the central monitoring system” is not described in the specification.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 21-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Menard et al. (US 2002/0169539 A1).

Regarding claim 21, Menard et al disclose a method comprising determining, at a first mobile device capable of operating within a tracking system, a position of the first mobile device (see fig. 3, and par. 0051); transmitting, from the first mobile device to a central monitoring system associated with the tracking system, first position information associated with the first mobile device (see fig. 3, par. 0051, 0088), and relaying from the first mobile device to the central monitoring system second position information associated with a second mobile device (see fig. 3, pars. 0051, 0088 and fig. 13). Menard et al. also disclose switching a mode of operation of the first mobile device such that the first mobile device transmits the first position information to at least one of the second mobile device and a third mobile device for relaying to the central monitoring system (see pars. 0106-0107 and fig. 13).

Regarding claim 24, Menard et al discloses a central monitoring system; and a first mobile device capable of determining a position of the first mobile device (see fig. 3, and par. 0051); transmitting to the central monitoring system first position information associated with the first mobile device (see fig. 3, and par. 0051, 0088); and relaying to the central monitoring system second position information associated with a second mobile device (see fig. 3, par. 0051, 0088 and fig. 13, its description); switching a mode of operation of the first mobile device such that the first mobile device transmits the first position information to at least one of the second mobile device and a third mobile device for relaying to the central monitoring system (see pars. 0106-0107 and fig. 13).

Regarding claim 34, Menard et al discloses a mobile device comprising a position determining unit capable of determining a position of the first mobile device; and at least one transceiver capable of transmitting, to a central monitoring system, first position information associated with the mobile device (see fig. 3, pars. 0051, 0088 and figs. 3 and 13); and relaying to the central monitoring system second position information associated with a second mobile device (see fig. 3, pars. 0051, 0088 and fig. 3 and 13), switching a mode of operation of the first mobile device such that the first mobile device transmits the first position information to at least one of the second mobile device and a third mobile device for relaying to the central monitoring system (see pars. 0106-0107 and fig. 13).

Regarding claims 22-23,25-33 and 35-40, Menard et al also discloses wherein the relaying of the second position information to the central monitoring system by the first mobile device occurs when the second mobile device is within a threshold distance of the first mobile

Art Unit: 2617

device (see par. 0076); wherein the second mobile device is capable of transmitting the second position information directly to the central, monitoring system when the second mobile device is not within the threshold distance of the first mobile device (see figs. 13-16); wherein a value of the threshold distance is static (see par. 0082); wherein a value of the threshold distance is dynamic (see par. 0082); wherein at least one of the first and second mobile device comprises a GPS unit (see par. 0027); wherein at least one of the first and the second mobile devices comprises a transceiver capable of receiving signals from an RF transponder (see figs. 13-16); wherein the central monitoring system is capable of monitoring one or more positions of at least one of the first and second mobile devices while the at least one of the first and second mobile devices is within a defined geographical boundary (see par. 0088); wherein the central monitoring system comprises a first base station and a second base station each capable of receiving a beacon signal from the first mobile device (see figs. 13-16); wherein the central monitoring system is capable of determining the position of the first mobile device using a triangulation algorithm that uses the beacon signal received from the first mobile device by the first base station and the second base station (see fig. 3, pars. 0051, 0088 and fig. 3 and 13).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Curatolo et al. (US 6,510,380 B1) teach security and tracking system.

Art Unit: 2617

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q. Nguyen whose telephone number is 571-272-7844. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH H. FEILD can be reached on (571)272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JEAN GELIN
PRIMARY EXAMINER



David Q Nguyen
Examiner
Art Unit 2617